



Comment to The National Organic Standards Board

Wednesday, April 19, 2006

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Good Afternoon, Florida Crystals offers a warm welcome to the new NOSB members and offers our support, experience and input in any way that will be of value to you during your years ahead on the Board. Thank you to the NOP and the full NOSB for the opportunity to comment today. Our written comment goes into greater detail of what I'll summarize and emphasize now.

Our comments focus on the effort to further clarify the definition of Synthetic and Nonsynthetic for defining substances placed on the National List.

We sincerely appreciate the consulting that was sought by NOP for technical expertise to help the Board in this determination. My comments address three substantial issues under consideration.

First, we notice the question is repeatedly asked about the NOSB's intent and purpose. This need to be clearly explained for any definition to be considered in the proper context and must be addressed before any further deliberation can move forward. We believe, and I can safely assume that most of the organic industry and consumer marketplace agrees, that there is no room in organic production or handling for petroleum derived, toxic, persistent chemicals. The existing criteria for the evaluation of substances to be placed on the National List already qualifies many of those concerns. We trust the NOSB to use all necessary caution needed to avoid any jeopardy of organic integrity and to protect consumer expectations.

We strongly suggest that the NOSB consider any substances that are produced entirely from natural sources, without any prohibited methods, without the inclusion of any petroleum based compounds, without any diversion from OFPA criteria, whether by extraction, formulation or manufacturing, or by processes that are naturally biologically occurring or already permitted as processes to produce final products as food, not be considered synthetic for the purposes of this definition.

The second point responds to the recommended definition of **substance**. We disagree that a **substance** be defined as a compound or element that has a distinct identity, such as a separate CAS number. If you'll notice, the National List Section 205.605(a) already lists three substances that are available in three separate forms, each with a different CAS number. They are **Calcium Sulfate**, available as anhydrous calcium sulfate, calcium sulfate hemihydrate and

calcium sulfate dihydrate. The same can be said of the three forms of magnesium sulfate and sodium carbonate, all on the A list and all available in three forms with separate CAS numbers. **This presents an obvious ambiguity in which the intended substance on the National List as a non-synthetic, in another form, could be a synthetic, depending on its origin, form and, if appropriate, method of manufacturing.**

My third point is the relationship of the terms formulating, manufacturing, and processing as they relate to chemical change.

I want to point out that the process of formulation as a synonym for manufacturing cannot be solely related to the use of the term in the OFPA definition of "synthetic" since OFPA also references "manufacturing" in the definition of "processing":

"Processing - the term "processing" means cooking, baking, heating, drying,.....or otherwise manufacturing....."

This leads to the interpretation that "manufacturing" and it would follow, "formulation" as well, would include the methods defined as "processing" in OFPA.

So, if a processing method is allowed to manufacture ingredients into food, it reasonably cannot be disallowed for the manufacturing of the naturally occurring sources of those ingredients, or processing aids, that unlike ingredients do not even remain in the final product.

We suggest that the proposed new definition of formulation (manufacturing) include the methods allowed for processing as defined in OFPA.

In closing, I want to mention our support for our customers who may use non-organic agricultural substances that now need to be placed on the National List Section 205.606 and urge you to come to a clear and expeditious process for the approval of petitions for those substances, give clear guidance regarding commercial availability to the certifiers and be as flexible as possible to an approval process that will avoid any disruption to the marketplace.

Thank you very much for your time and consideration of our comments.

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